

Appl. No. 10/751,362
Docket No. AA611
Amdt. dated August 29, 2008
Reply to Office Action mailed on May 30, 2008
Customer No. 27752

REMARKS

Claim Status

Before entry of this Amendment, claims 1-9, 11, and 22-29 were pending in the present application, with claims 25-29 being withdrawn from consideration. New claims 30-32 are added herein. Thus, subsequent to entry of this Amendment, claims 1-9, 11, and 22-32 will be pending. No additional claims fee is believed to be due.

Independent claim 1 is amended herein to incorporate the limitations of dependent claims 23 and 24, and as such, amended claim 1 is generic to species 1, described in the Office Action of February 6, 2008 and elected in the Amendment of February 20, 2008. Claims 25-29 are amended herein to depend directly or indirectly from amended claim 1. As such, it is believed that claims 25-29 are also generic to species 1, and such indication is respectfully requested.

New independent claim 30 is added herein. Claim 30 includes the same scope as previously submitted claim 1 except that claim 30 further clarifies the structural description of the backsheet. In particular, claim 30 recites that "the backsheet comprises a sheet of material extending from the first waist region to the second waist region" and that each of the absorbent articles further comprises a printed graphic "printed directly on the sheet of material." As such, it is believed that claim 30 is generic to species 1 and 2, described in the Office Action of February 6, 2008. Claims 23-25 are amended to depend from claim 30 and are amended in accordance with the language of claim 30. Thus, it is believed that species 1 is also encompassed by claims 23 and 24, described in the Office Action of February 6, 2008 and elected in the Amendment of February 20, 2008. New dependent claims 31 and 32 depend from claim 30 and recite limitations that are generic to species 1. Support for the above changes can be found at least on page 3, ll. 14-21; page 4, ll. 3-6; page 6, ll. 7-28; and Figs. 2 and 3 of the present specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

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Allowable Subject Matter

In the final Office Action of May 30, 2008, claim 24 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to the final Office Action of May 30, 2008, an Amendment was submitted on June 18, 2008, amending independent claim 1 to incorporate the limitations of dependent claims 23 and 24 and also cancelling claims 23-29 in an attempt to place the present application in form for allowance.

In response to the Amendment of June 18, 2008, an Advisory Action was mailed on July 14, 2008, wherein the Amendment of June 18, 2008 was not entered. The Advisory Action asserted that “Applicants’ after final amendments have changed the scope of the claim language with limitations that have not been expressly disclosed in previously presented claims and would require updated searches and consideration.” (See Advisory Action of July 14, 2008, Continuation Sheet). It is respectfully submitted that, in contrast to the assertion made in the Advisory Action, the claim amendments provided in the Amendment of June 18, 2008 did not change the scope of the claim language with limitations that have not been expressly disclosed in previously presented claims. Nonetheless, the present Amendment and Request for Continued Examination are being filed in response to the Office Action of May 30, 2008.

As discussed above, independent claim 1 is amended herein to incorporate the limitations of dependent claims 23 and 24.

Therefore, it is believed that claims 1-9, 11, and 22 are in form for allowance and such indication is respectfully requested.

Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103

In the Office Action, claims 1-9, 11, and 22-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,558,499 issued to Pargass et al. (hereinafter “Pargass”). Dependent claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable

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over Pargass in view of PCT Publication No. WO 00/13632 in the name of Stavrulov, and claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pargass in view of U.S. Patent No. 5,286,543 incorporating U.S. Patent No. 4,753,649.

Although the rejections are not agreed with, claim 1 is amended herein to overcome the rejections in an effort to move prosecution of the present application toward allowance. As discussed above, the Office Action recognizes dependent claim 24 as containing allowable subject matter. As such, independent claim 1 is amended to incorporate the limitations of previously pending dependent claims 23 and 24 to move the prosecution of the application toward allowance.

Thus, it is respectfully submitted that, for at least the reasons discussed above, claim 1 is patentable under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) over the cited references. Claims 2-9, 11, and 22 depend from and include all the limitations of claim 1. As such, for at least the same reasons discussed above with reference to claim 1, claims 2-9, 11, and 22 are also patentable under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) over the cited references. Claims 23 and 24 are amended to depend from newly added claim 30, rendering the rejections of claims 23 and 24 moot.

Therefore, it is believed that claims 1-9, 11, and 22 are in form for allowance and such indication is respectfully requested.

New Claims 30-32 and Amended Claims 23 and 24

Newly added independent claim 30 includes the same scope as previously submitted claim 1 except that claim 30 further clarifies the structural description of the backsheet. In particular, claim 30 recites that “the backsheet comprises a sheet of material extending from the first waist region to the second waist region” and that each of the absorbent articles further comprises a printed graphic “printed directly on the sheet of material.” As discussed below, claim 30 is believed patentable over Pargass and Stavrulov. Dependent claims 23 and 24 are amended herein to depend from claim 30 and newly dependent claims 31 and 32 depend from and include the limitations of claim 30. As such, claim 23, 24, 31, and 32 are also believed to be patentable for at least the same reasons discussed below with reference to

claim 30. Furthermore, claims 23 and 24 have been identified by the Office Action as containing allowable subject matter. Based on the scope of claim 30 as compared to previously submitted claim 1, claims 23 and 24 are believed to be patentable for at least the same reasons provided in the Office Action.

In contrast to printing a graphic directly on the sheet of material of the backsheet recited in claim 30, Pargass discloses a diaper having a graphic printed on a patch, which may be joined with a backsheet. For example, Col. 8, ll. 47-48 of Pargass (cited by the Office Action in support of the rejection of formerly pending claim 10) states: “Fig. 4a shows a method for making an appliquéd layer 26 by placing a graphic 21 on a moving non-woven web, which forms the backsheet to the absorbent article.” (emphasis added). For clarity, Figures 4a and 5a of Pargass are reproduced below with reference numbers of particular interest being circled.

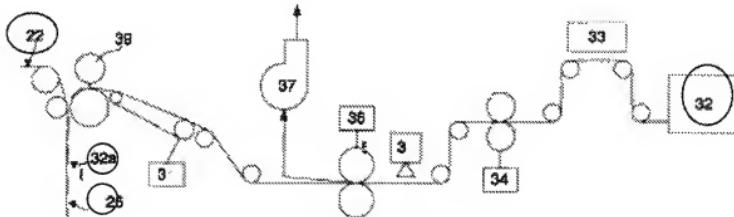


FIG. 4A

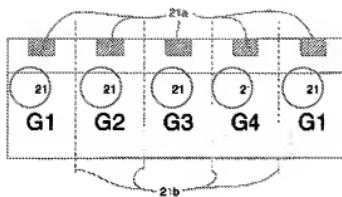


FIG. 5A

With regard to Figure 5A, Pargass discloses that the graphics 21 are provided from a first MD continuously moving layer or master roll 32, which has a plurality of graphics 21 and a corresponding plurality of reference markers 21a printed thereon. (emphasis added). (See Col. 8, ll. 51-55). With further regard to Figure 4A, Pargass describes in more detail a method by which the graphics are applied to a nonwoven outer layer 22. In particular, Pargass discloses that the continuously moving master roll 32 is conveyed by conveyor 34 and a photo-eye or optical sensor 35 detects the reference markers 21a. Once the reference markers 21a have been sensed or detected, they can be removed by any suitable means, and once the reference markers 21a are removed, the master roll 32 (without any reference markers whatsoever) is conveyed forward by servodrive 38 to cutting means 39. At cutting means 39, master roll 32 is cut at predetermined locations 21b to form individual segments 32a, which are then applied to non-woven outer layer 22 to form applique layer 26. (emphasis added). (See Col. 9, ll. 26-35). As such, Pargass discloses that the graphics 21 are printed on a continuously moving layer or master roll 32 cut into individual segments 32a, which are applied to an outer layer 22. However, Pargass does not teach or suggest absorbent articles each having a printed graphic printed directly on a sheet of material of the backsheet wherein the sheet of material extends from the first waist region to the second waist region as recited in claim 30. Accordingly, Pargass does not teach or suggest all the claim limitations recited in claim 30. Stavrulov discloses printed text or images on envelopes containing hygienic products and fails to correct the deficiencies of Pargass.

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Thus, Pargass, either alone or in combination with Stavrulov, does not teach or suggest all the claim limitations of claim 30.

Conclusion

In view of the foregoing, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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